ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM

INDIVIDUAL PERMIT – FINAL

Permit Number: AK0021547

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, AK 99501

In compliance with the provisions of the Clean Water Act (CWA), 33 U.S.C. §1251 *et seq*., as amended by the Water Quality Act of 1987, P.L. 100-4, this permit is issued under provisions of Alaska Statutes (AS) 46.03; the Alaska Administrative Code (AAC) as amended; and other applicable State laws and regulations. The

CITY OF CORDOVA

is authorized to discharge from the City of Cordova Wastewater Treatment Plant (WWTP) at 200 Orca Inlet, Cordova, Alaska at the following location(s):

Outfall	Receiving Water or Body	Latitude	Longitude
001	Orca Inlet	60.537	-145.776

In accordance with the discharge point(s) effluent limitations, monitoring requirements, and other conditions set forth herein:

This permit and authorization shall become effective August 1, 2017

This permit and the authorization to discharge shall expire at midnight, July 31, 2022

The permittee shall reapply for a permit reissuance on or before February 2, 2022, 180 days before the expiration of this permit if the permittee intends to continue operations and discharge(s) at the facility beyond the term of this permit.

The permittee shall post or maintain a copy of this permit to discharge at the facility and make it available to the public, employees, and subcontractors at the facility.

Wade J Strickland
Signature

June 9, 2017
Date

Wade Strickland
Printed Name

Program Manager
Title

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SCHEDULE OF SUBMISSIONS

The Schedule of Submissions summarizes some of the required submissions and activities the permittee must complete and/or submit to the Alaska Department of Environmental Conservation (DEC or the Department) during the term of this permit. The permittee is responsible for all submissions and activities even if they are not summarized in the table below.

Table 1: Schedule of Submissions

Permit Part	Submittal or Completion	Frequency	Due Date	Submit to[a]
1.3.2	Annual report of progress, compliance schedule	1/Year	Within one year after the effective date of the final permit and annually thereafter.	Compliance
1.3.3 & 1.3.4	Interim reports of progress	2/permit cycle	As required.	Compliance
1.3.5	Engineered wastewater treatment facility plans	1/permit cycle	Within three years after the effective date of the final permit.	Permitting
1.3.7	Request for approval to operate	1/permit cycle	Within five years after the effective date of the final permit.	Permitting
1.6.2	Written approval of monitoring locations	1/permit cycle	Within one year after the effective date of the final permit.	Permitting
1.6.9	Receiving water monitoring results	1/Quarter	Must be submitted with the DMR for the month following sample collection	Compliance
1.6.10	Annual Water Quality Monitoring Summary	1/Year	Must be submitted with the annual report of progress in section 1.3.2.	Compliance
2.1.1	Quality Assurance Project Plan notice	1/permit cycle	Within 120 days after the effective date of the final permit.	Compliance
2.3.1	Operation and Maintenance Plan notice	1/permit cycle	Within 120 days after the effective date of the final permit.	Compliance
2.4.5	Annual bypass report	1/Year	Must be submitted with the annual report of progress in section 2.4.5.	Compliance
Appendix A, 1.3	Application for Permit Reissuance	1/permit cycle	180 days before expiration of the final permit	Permitting
Appendix A, 3.2	Discharge Monitoring Report (DMR)	Monthly	Must be postmarked or submitted electronically through the eDMR system, on or before the 15th day of the following month.	Compliance
Appendix A, 3.4	Oral notification of noncompliance	As Necessary	Within 24 hours from the time the permittee becomes aware of the circumstances of noncompliance	Compliance
Appendix A, 3.4	Written documentation of noncompliance	As Necessary	Within 5 days after the permittee becomes aware of the circumstances	Compliance

a) See Appendix A 1.1 for addresses

1.0 LIMITATIONS AND MONITORING REQUIREMENTS

1.1 Discharge Authorization

1.1.1 During the effective period of this permit, the permittee is authorized to discharge pollutants from outfall 001 specified herein to Orca Inlet, within the limits and subject to conditions set forth herein. This permit authorizes discharge of only those pollutants resulting from facility processes, waste streams, and operations clearly identified in the permit.

1.1.2 This permit does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the facility as disclosed in the permit application, or any pollutants that are not ordinarily present in such waste streams.

1.2 Effluent Limits and Monitoring

1.2.1 The permittee must limit and monitor discharges from outfall 001 as specified in Table 2. All values represent maximum effluent limits, unless otherwise indicated. The permittee must comply with effluent limitations in the table(s) at all times unless otherwise indicated, regardless of monitoring frequency or reporting required by other provisions of this permit.

1.2.2 Discharge shall not cause contamination of surface or ground waters, and shall not cause or contribute to a violation of the Alaska Water Quality Standards AAC Title 18 (18 AAC 70), except if excursions are authorized in accordance with applicable provisions in 18 AAC 70.200 – 70.270 (e.g. variance, mixing zone).

1.2.3 The permittee must not discharge any floating solids, debris, sludge, deposits, foam, scum, or other residues that cause a film, sheen or discoloration on the surface of the receiving water or adjoining shorelines; cause leaching of toxic or deleterious substances; or cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines.

1.2.4 The permittee must collect influent samples prior to the waste stream flowing into the first treatment unit of the wastewater treatment system.

1.2.5 The permittee must collect effluent samples from the effluent stream after the last treatment unit before discharge into receiving waters.

1.2.6 Influent and effluent samples must be collected during the same 24-hour period.

Table 2. Outfall 001: Effluent Limits and Monitoring Requirements

	Effluent Limits					Monitoring Requirements		
Parameter	**Units [a]**	**Daily Minimum**	**Monthly Average**	**Weekly Average**	**Daily Maximum**	**Sample Location**	**Sample Frequency**	**Sample Type**
Total Discharge Flow	mgd	N/A	0.7	N/A	Report	Effluent	Daily or Continuous	Recorded
Biochemical Oxygen Demand (BOD_5) [b]	mg/L	N/A	30	45	60	Influent and Effluent	1/Week	24-hour Composite [c]
	lbs/day	N/A	175	263	350			
Total Suspended Solids (TSS)	mg/L	N/A	30	45	60	Influent and Effluent	1/Week	24-hour Composite [c]
	lb/day	N/A	175	263	350			
BOD_5 minimum percent (%) removal: 85% [d]			TSS minimum percent (%) removal: 85% [d]			Influent and Effluent	1/Month	Calculated [d]
Fecal Coliform (FC) Bacteria	FC / 100 mL	N/A	200 [e]	400 [e]	800 [f]	Effluent	1/Week	Grab
pH	SU	6.5	N/A	N/A	8.5	Effluent	Daily	Grab
Temperature	^{o}C	N/A	Report	N/A	N/A	Effluent	Daily	Grab
Dissolved Oxygen	mg/L	6.0	N/A	N/A	17	Effluent	Daily	Grab
Total Ammonia, as N	mg/L	N/A	9.88	N/A	27.81	Effluent	1/Month	24-hour Composite [c]
Enterococci	cfu/ 100 mL	N/A	Report [e]	N/A	Report	Effluent	1/Month May through September [g]	Grab
Total Residual Chlorine (TRC) [h]	mg/L	N/A	0.05 [i]	N/A	0.10 [f, i]	Effluent	Daily	Grab

Footnotes:

a. mgd = million gallons per day; mg/L = milligrams per liter; lbs/day = pounds per day; % = percent; FC/100 mL = fecal coliform bacteria per 100 milliliters; cfu/100 mL = colony forming units per 100 milliliter; SU = standard pH units; ^{o}C = degree Celsius
b. Effluent limits are based on a design flow of 700,000 gallons per day (0.7 mgd).
c. Composite samples must consist of at least eight grab samples collected at equally spaced intervals and proportionate to flow so that composite samples reflect influent/effluent quality during the compositing period.
d. Minimum percent removal = [(monthly average influent concentration in mg/L – average monthly effluent concentration in mg/L) / (average monthly influent concentration in mg/L)] x 100. The monthly average percent removal must be calculated using the arithmetic mean of the influent value and the arithmetic mean of the effluent value for that month. Calculation required monthly.
e. If more than one fecal coliform bacteria sample or enterococci bacteria sample is collected within a 30-day (monthly) or 7-day (weekly) period, the average result must be reported as the geometric mean. When calculating the geometric mean, replace all results of zero, 0, with a one, 1. The geometric mean of "n" quantities is the "nth" root of the product of the quantities. For example the geometric mean of 100, 200, and 300 is $(100 \times 200 \times 300)^{1/3} = 181.7$. See Appendix C for calculation.
f. Reporting is required within 24 hours if the daily maximum limit is violated. See Appendix A, Section 3.4.3.3.
g. One sample shall be collected each month, May through September, on the same day as the FC bacteria sample is collected.
h. Total residual chlorine monitoring required only if chlorine is used in any facility process.
i. Effluent limits for total residual chlorine are not quantifiable using EPA-approved analytical methods. The permittee will be in compliance with the effluent limits for chlorine provided the total residual chlorine levels are below the compliance evaluation level of 0.10 mg/L.

1.2.7 For all effluent monitoring, the permittee must use a sufficiently sensitive Environmental Protection Agency (EPA) approved test method that quantifies the pollutants to a level lower than applicable limits or water quality standards or use the most sensitive test method available, per Title 40 Code of Federal Regulations (CFR) §136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants), adopted by reference at 18 AAC 83.010(f).

1.2.8 Permittees have the option of taking more frequent samples than are required in the permit. These samples must be used for averaging if they are conducted using approved test methods and if the method detection limit (MDL) is less than or equal to applicable water quality criteria.

1.2.9 For purposes of reporting on the discharge monitoring report (DMR) for a single sample, if a value is less than the MDL, the permittee must report "less than [numeric value of MDL]" and if a value is less than a minimum level (ML), the permittee must report "less than [numeric value of ML]."

1.2.10 For purposes of calculating a monthly average, zero (0) may be assigned for a value less than the MDL, and the [numeric value of MDL] may be assigned for a value between the MDL and the ML. If the average value is less than the MDL, the permittee must report "less than [numeric value of MDL]" and if the average value is less than the ML, the permittee must report "less than [numeric value of ML]." If a value is equal to or greater than the ML, the permittee must report and use the actual value. The resulting average value must be compared to the compliance level, ML, in assessing compliance.

1.2.11 Monthly averages are to be calculated over a calendar month and weekly averages are to be calculated over a time period of Sunday through Saturday.

1.2.12 Removal Requirements for BOD_5 and TSS: The monthly average percent removal of BOD_5 and TSS must be reported on the DMR and shall not be less than 85 percent. For each parameter, the monthly average percent removal must be calculated from the arithmetic mean of the influent values and the arithmetic mean of effluent values for that month. Influent and effluent samples must be taken over approximately the same period.

1.3 Compliance Schedule

1.3.1 The permittee must achieve compliance with the final FC bacteria effluent limits in Section 1.2, Table 2 of the permit as soon as possible, but no later than five years after the effective date of the final permit. For the purposes of this permit issuance, with respect to final FC bacteria effluent limits, achieve compliance shall mean:

1.3.1.1 For the monthly average FC effluent limit of 200 FC/100 mL, achieve compliance shall mean not exceeding 200 FC/100 mL for three consecutive months;

1.3.1.2 For the weekly average FC effluent limit of 400 FC/100 mL, achieve compliance shall mean not exceeding 400 FC/100 mL for four consecutive weeks;

1.3.1.3 For the daily maximum FC effluent limit of 800 FC/100 mL, achieve compliance shall mean not exceeding 800 FC/100 mL on any four consecutive samples.

1.3.2 As soon as possible but no later than one year after the effective date of the final permit, and annually thereafter, the permittee must submit to DEC an annual report that outlines the progress made towards achieving compliance with the final FC bacteria effluent limits in Permit Section 1.2, Table 2. At a minimum, the annual report must include:

1.3.2.1 An assessment of the previous year of effluent data and comparison to the final FC bacteria limits;

1.3.2.2 The cause of any reported noncompliance, any remedial actions taken, and a discussion of the likelihood of meeting the next scheduled requirements;

1.3.2.3 Detailed discussion on the progress made toward meeting the final FC bacteria effluent limits;

1.3.2.4 Detailed discussion on progress made toward completing remaining interim requirements of this compliance schedule;

1.3.2.5 Further actions and milestones targeted for the upcoming year.

1.3.3 As soon as possible but no later than one year after the effective date of the final permit, if the permittee has not obtained compliance with the final FC bacteria effluent limits, the permittee shall provide a report to the Department, submitted with the annual report of Permit Section 1.3.2, that includes, at a minimum, a summary of the following items:

1.3.3.1 A description of potential upgrades to the wastewater treatment plant that would be required to meet the final FC bacteria effluent limits;

1.3.3.2 Potential sources of funding for identified upgrades.

1.3.4 As soon as possible but no later than two years after the effective date of the final permit, if the permittee has not obtained compliance with the final FC bacteria effluent limits, the permittee shall provide a report to the Department, submitted with the annual report of Permit Section 1.3.2, that includes, at a minimum, a summary of the following items:

1.3.4.1 A proposed construction schedule with dates for commencement and completion of construction milestones that would lead to compliance with final FC bacteria effluent limits;

1.3.4.2 A detailed description of funding obtained and future funding deadline requirements;

1.3.5 As soon as possible but no later than three years after the effective date of the final permit, if the permittee has not achieved compliance with the final FC bacteria effluent limits and wastewater treatment plant upgrades are required to meet the final FC bacteria effluent limits, the permittee must submit engineered wastewater treatment facility upgrade plans to the Department's Engineering Support and Plan Review (ESPR) Program.

1.3.6 As soon as possible but no later than four years after the effective date of the final permit, if the permittee has not achieved compliance with the final FC bacteria effluent limits and wastewater treatment plant upgrades are required to meet the final FC bacteria effluent limits, the permittees must commence construction of any necessary facility upgrades.

1.3.7 As soon as possible but no later than five years after the effective date of the final permit, if the permittee has not achieved compliance with the final FC bacteria effluent limits and wastewater treatment plant upgrades are required to meet the final FC bacteria effluent limits, the permittee must have completed construction of any necessary facility upgrades, completed startup and optimization of facility upgrade operations, and must achieve compliance with final FC bacteria effluent limits. The permittees must have also submitted a request for Approval to Operate as required by the Department's ESPR Program.

1.3.8 The permittee must achieve compliance with the final FC bacteria effluent limits in Section 1.2, Table 2 of the permit as soon as possible but no later than June 30, 2022.

1.3.9 While the compliance schedule is in effect, the permittee must comply with interim FC bacteria effluent limits and monitoring requirements as specified in Table 3.

Table 3. Interim FC Bacteria Effluent Limits

Parameter	Units	Effluent Limits			Monitoring Frequency		
		Monthly Average	Weekly Average	Daily Maximum	Sample Location	Sample Frequency	Sample Type
FC bacteria	FC/100 mL	4,500 [a]	6,750 [a]	10,000 [b]	Effluent	Weekly	Grab

Footnotes:

a. Average fecal coliform and enterococci bacteria results shall be reported as the geometric mean of the samples. When calculating the geometric mean replace all results of zero (0) with a one (1). See Appendix C for calculation.
b. Reporting is required within 24 hours if the daily maximum limit is violated. See Appendix A, Section 3.4.3.3.

1.4 Additional Monitoring

1.4.1 Design Flow Greater Than 0.1 MGD

1.4.1.1 In accordance with Alaska Pollutant Discharge Elimination System (APDES) application Form 2A, Section 11, a facility with a design flow greater than 0.1 MGD shall conduct additional effluent monitoring of pollutants during the life of this permit and include the results with the permittee's reissuance application.

1.4.1.2 The permittee shall perform effluent monitoring three times in the first four and one half years of the permit term. Each monitoring event shall be conducted in a different calendar year and in a different season. Seasons are considered to be: winter, December through February; summer, June through August; and spring or fall, March through May or September through November, respectively.

1.4.1.3 Monitoring for these parameters performed to satisfy other monitoring requirements of this permit may be used to satisfy this specific monitoring requirement as long as the "different calendar year and season" criteria, as described in Form 2A, are met.

1.4.1.4 The permittee is responsible for all submissions and activities required on the application Form 2A even if they are not summarized below in Table 4.

Table 4: Effluent Additional Monitoring for Reissuance Application

Parameter	Units	Sample Location	Sample Frequency [a]	Sample Type
Total Ammonia as N	mg/L	Effluent	3/4.5 years	24-hour composite
Total Residual Chlorine [b]	mg/L	Effluent	3/4.5 years	Grab
Oil and Grease	mg/L	Effluent	3/4.5 years	Grab
Total Dissolved Solids	mg/L	Effluent	3/4.5 years	24-hour composite
Total Phosphorus	mg/L	Effluent	3/4.5 years	24-hour composite
Total Kjeldahl Nitrogen	mg/L	Effluent	3/4.5 years	24-hour composite
Nitrate plus Nitrite Nitrogen	mg/L	Effluent	3/4.5 years	24-hour composite
Dissolved Oxygen	mg/L	Effluent	3/4.5 years	Grab

Footnotes:

a. 3/4.5 years means three samples must be taken within four and one-half years from the effective date of this permit. Each test must be conducted in a different calendar year and different season, including one each in winter (December – February) summer (June – August), and spring or fall (March – May or September – November).
b. Sampling and analyzing for total residual chlorine is not required if the facility does not use chlorine for disinfection, does not use chlorine elsewhere in the treatment process, and has no reasonable potential to discharge chlorine in the effluent.

1.5 Mixing Zone

1.5.1 Until such time as the permittee achieves compliance with the final FC bacteria effluent limits listed in Table 2, the mixing zone authorized in the previous permit for FC bacteria in Orca Inlet continues to be in effect. The mixing zone is defined as the area of rectangular shape with a length of 920 meters by 200 meters wide with a chronic dilution factor of 446. The diffuser discharges to the center of the rectangle with 460 meters either side in a lengthwise direction and 100 meters either side widthwise. The long axis of the rectangular shaped mixing zone runs parallel to the shoreline. The area extends from the marine bottom to the surface of the water and is oriented with the tidal flow.

1.5.2 Five years from the effective date of this permit, or when the permittee demonstrates that they achieve compliance with final FC bacteria effluent limits listed in Table 2, whichever occurs first, the FC mixing zone will be authorized in accordance with Permit Section 1.5.3 through 1.5.5. Achieved compliance shall have the meaning described in Permit Section 1.3.1.

1.5.3 In accordance with state regulations at 18 AAC 70.240, as amended through June 26, 2003, a mixing zone for ammonia, TRC, fecal coliform bacteria, and enterococci is authorized in Orca Inlet for the discharge from Outfall 001.

1.5.4 The chronic mixing zone for this discharge has a dilution factor of 65 and is defined as the rectangular area centered over the diffuser from the end of the outfall line, extending from the seafloor to the sea surface, with a length of 222 meters and a width of 12 meters. The long axis of the rectangular shaped mixing zone runs parallel to the shoreline.

1.5.5 The acute mixing zone for this discharge has a dilution factor of 8.6 and is defined as the rectangular area centered over the diffuser from the end of the outfall line, extending from the seafloor to the sea surface, with a length of 26 meters and a width of 12 meters. The long axis of the rectangular shaped mixing zone runs parallel to the shoreline.

1.6 Receiving Water Monitoring

The permittee must conduct receiving water monitoring. Receiving water monitoring must start six months after the effective date of the permit and continue for four years from the effective date of this permit. The program must meet the following requirements:

1.6.1 Monitoring stations must be established in Orca Inlet at the following locations:

1.6.1.1 A background station at a point representative of the quality of Orca Inlet, not influenced by the facility's discharge, and

1.6.1.2 Boundary of the chronic mixing zone. Sampling at the boundary of the chronic mixing zone shall be taken at two locations. One sample representative of the chronic mixing zone length boundary and one sample representative of the chronic mixing zone width boundary shall be collected.

1.6.2 The permittee must seek written approval of the receiving water monitoring stations from DEC within one year of the effective date of this permit.

1.6.3 To the extent practicable, receiving water sample collection must occur on the same day as effluent sample collection.

1.6.4 All receiving water samples must be grab samples.

1.6.5 The effluent flow rate must be reported with the receiving water test results as near as practicable to the time the receiving water parameters are sampled.

1.6.6 Samples must be analyzed for the parameters listed in Table 5.

Table 5: Ambient Monitoring Requirements

Parameter	Units	Background Sampling Frequency	Boundary of Mixing Zone Sampling Frequency	Sample Type
Fecal Coliform Bacteria	FC/100 mL	N/A	2/Year [a]	Grab
Total Ammonia as N	mg/L	N/A	2/Year [a]	Grab
Enterococci Bacteria	cfu/100 mL	N/A	2/Year [a]	Grab
TRC	mg/L	N/A	2/Year [a]	Grab
Temperature	°C	2/Year [a]	N/A	Measurement
pH	Standard Units	2/Year [a]	2/Year [a]	Grab
Salinity	grams/kilogram	2/Year [a]	N/A	Grab

Footnotes:
a. One sample must be taken during the months of May through October and one sample must be taken during the months of November through April.

1.6.7 Quality assurance/quality control plans for all the monitoring must be documented in the Quality Assurance Project Plan required under Part 2.1., "Quality Assurance Project Plan".

1.6.8 For ambient monitoring, the permittee must use a sufficiently sensitive EPA approved test method that quantifies the level of pollutants to a level lower than applicable limits or water quality standards or use the most sensitive test method available per Title 40 CFR Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants), adopted by reference at 18 AAC 83.010(f).

1.6.9 Receiving water monitoring results must be submitted to DEC with the DMR for the month following sample collection. At a minimum, the report must include:

1.6.9.1 Sample location;

1.6.9.2 Dates of sample collection and analyses;

1.6.9.3 Results of sample analyses; and

1.6.9.4 Relevant quality assurance/quality control (QA/QC) information.

1.6.10 All monitoring results must be included in an Annual Water Quality Monitoring Summary report and submitted with the annual report of Section 1.3.2. The report must include a presentation of the analytical results and an evaluation of the results. The evaluation must include a comparison of upstream and downstream monitoring results (to show any differences) and a comparison of monitoring results for each station over time (to show any trends). The Annual Report may reference the monthly reports for QA/QC information.

2.0 SPECIAL CONDITIONS

2.1 Quality Assurance Project Plan

2.1.1 The permittee must develop and implement a quality assurance project plan (QAPP) for all monitoring required by this permit. The permittee must submit written notice to DEC that the plan has been developed and implemented within 120 days of the effective date of this permit. All procedures in the previous QAPP must be followed until the new QAPP has been implemented. Any existing QAPP may be modified under this Section.

2.1.2 The QAPP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and to help explain data anomalies whenever they occur.

2.1.3 The permittee may use either the generic DEC *Wastewater Treatment Facility Quality Assurance Project Plan* (DEC QAPP) or must develop a facility-specific QAPP. Some facility specific information is required to complete the QAPP when using the generic DEC QAPP.

2.1.4 Throughout all sample collection and analysis activities, the permittee must use DEC-approved QA/QC and chain-of-custody procedures, as described in the *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5). The QAPP must be prepared in the format specified in these documents.

2.1.5 At a minimum, a QAPP must include:

2.1.5.1 Details on number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements;

2.1.5.2 Maps indicating the location of each sampling point;

2.1.5.3 Qualification and training of personnel; and

2.1.5.4 Name, address, and telephone number of all laboratories used by or proposed to be used by the permittee.

2.1.6 The permittee must amend the QAPP whenever sample collection, sample analysis, or other procedure addressed by the QAPP is modified.

2.1.7 Copies of the QAPP must be kept on site and made available to DEC upon request.

2.2 Industrial User Survey

2.2.1 An industrial user survey report of those industries that discharge and/or have the potential to discharge non-domestic wastewater to the Cordova Wastewater Treatment Plant's collection system must be submitted with Form 2A when applying for permit reissuance. At a minimum, the survey report must contain the following:

2.2.1.1 The Industry name, contact person, address, and telephone number;

2.2.1.2 The Standard Industrial Classification (SIC) http://siccode.com/en/siccode/list/directory or North American Industry Classification System (NAICS) http://www.naics.com/complete-naics-business-resource-list/ code(s) for each activity type;

2.2.1.3 A description of the non-domestic process including products manufactured of services performed and potential pollutants;

2.2.1.4 An estimated of non-domestic wastewater discharged into the facility's wastewater treatment collection system in gallons per day (gpd) and whether the discharge is continuous of intermittent; and

2.2.1.5 An estimate of domestic wastewater discharged into the facility's treatment collection system in gpd and whether the discharge is continuous of intermittent.

2.2.2 Those industries that are not connected to the collection system or that solely discharge domestic wastewater to the collection system are not considered sources of non-domestic wastewater and may be excluded from the industrial user survey report.

2.3 Operation and Maintenance Plan

2.3.1 In addition to requirements specified in Appendix A, Part 1.6 of this permit [Proper Operation and Maintenance (O&M)], the permittee shall develop and implement an O&M Plan for the wastewater treatment facility. The permittee must submit written notice to DEC that the plan has been developed and implemented within 120 days of the effective date of this permit. All procedures in the previous O&M Plan must be followed until the new O&M Plan has been implemented. Any existing O&M Plan may be modified under this Part. The plan shall be retained on site and made available to DEC upon request.

2.3.2 The permittee shall ensure that the O&M Plan includes appropriate best management practices (BMPs), and the plan must be reviewed annually. BMPs include measures that prevent or minimize the potential for the release of pollutants to Orca Inlet. Documentation of annual O&M Plan review by the permittee shall be retained on-site and made available to DEC upon request.

2.3.3 The permittee shall develop a description of pollution prevention measures and controls appropriate for the facility. The appropriateness and priorities of controls in the O&M plan shall reflect identified potential sources of pollutants at the facility. The description of BMPs shall address, to the extent practicable, the following minimum components:

2.3.3.1 Spill prevention and control;

2.3.3.2 Optimization of chemical usage;

2.3.3.3 Preventative maintenance program;

2.3.3.4 Minimization of pollutant inputs from industrial users;

2.3.3.5 Research, development, and implementation of a public information and education program to control the introduction of household hazardous materials to the sewer system; and,

2.3.3.6 Water conservation.

2.3.4 The permittee's facility operators must be certified in accordance with the provisions of 18 AAC 74.

2.4 Facility Planning Requirement

2.4.1 The permittee must submit written notice to DEC within 120 days of the effective date of this permit affirming that its Facility Plan has been reviewed and updated, if applicable.

2.4.2 Each month, the permittee must compute an annual average value for the flow, BOD_5 loading, and TSS loading entering the facility based on the previous 12 months of data. If the facility has completed a plant upgrade that affects the facility planning values listed in Table 6, only data collected after the upgrade should be used to determine the annual average value.

2.4.3 When the annual average values exceed 85% of the facility planning values listed in Table 6, the permittee must report the exceedance in writing to DEC within 30 days of becoming aware of the exceedance.

2.4.4 When the annual average values exceed 85% of the facility planning values listed in Table 6, the permittee must develop a facility plan within one year. The facility plan must include a schedule to come into compliance with the design criteria. The plan must include the permittee's strategy for continuing to maintain compliance with effluent limits and must be submitted to DEC for review.

2.4.5 Bypass is prohibited. The permittee must submit a report of all bypass events within the previous 12 months from the effective date of this permit. This report shall be included with the annual reporting requirements of section 1.3.2 and at a minimum shall include:

2.4.5.1 The duration of each bypass in days;

2.4.5.2 An estimate of the volume of wastewater bypassed;

2.4.5.3 Steps the permittee is taking to eliminate wastewater bypass.

Table 6: Facility Planning

Criteria	Value	Units
Average Flow	0.7	mgd
Influent BOD_5 Loading	700	lbs/day
Influent TSS Loading	800	lbs/day

2.5 Electronic Reporting (E-Reporting) Rule

The permittee is responsible for electronically submitting DMRs and other reports in accordance with 40 CFR §127. The start dates for e-reporting are provided in 40 CFR §127.16. DEC has established a website at http://dec.alaska.gov/water/Compliance/EReportingRule.htm that contains general information. As DEC implements the E-Reporting Rule, more information will be posted on this webpage. The permittee will be further notified by DEC in the future about how to implement the conditions in 40 CFR §127.

2.6 Identification Sign(s)

The permittee shall continue to post a sign or signs on the shoreline adjacent to the discharge point that indicate the name and contact number for the facility, the permit number, the type of discharge (treated domestic wastewater), and the approximate location and size of the mixing zone. The sign(s) should inform the public that certain activities, such as harvesting of aquatic life for raw consumption, should not take place in the mixing zone.

2.7 Removed Substances

Collected screenings, grit, solids, scum, and other facility residuals, or other pollutants removed in the course of treatment or control of water and wastewaters shall be disposed of in a Department approved manner and method in accordance with 18 AAC 60, such as to prevent any pollution from such materials from entering navigable waters.

2.8 Air and Land Releases

The permittee must not place, deposit, or allow to be placed or deposited on the premises, any material which may produce, cause or contribute to the spread of disease, create a safety hazard or in any way endanger the health of the public.

APPENDIX A

STANDARD CONDITIONS

APDES INDIVIDUAL PERMIT

PUBLICLY OWNED TREATMENT WORKS

September 2011

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Appendix A, Standard Conditions is an integral and enforceable part of the permit. Failure to comply with a Standard Condition in this Appendix constitutes a violation of the permit and is subject to enforcement.

1.0 Standard Conditions Applicable to All Permits

1.1 Contact Information and Addresses

1.1.1 Permitting Program

Documents, reports, and plans required under the permit and Appendix A are to be sent to the following address:

State of Alaska
Department of Environmental Conservation
Division of Water
Wastewater Discharge Authorization Program
555 Cordova Street
Anchorage, Alaska 99501
Telephone (907) 269-6285
Fax (907) 269-3487
Email: DEC.Water.WQPermit@alaska.gov

1.1.2 Compliance and Enforcement Program

Documents and reports required under the permit and Appendix A relating to compliance are to be sent to the following address:

State of Alaska
Department of Environmental Conservation
Division of Water
Compliance and Enforcement Program
555 Cordova Street
Anchorage, Alaska 99501
Telephone Nationwide (877) 569-4114
Anchorage Area / International (907) 269-4114
Fax (907) 269-4604
Email: dec-wqreporting@alaska.gov

1.2 Duty to Comply

A permittee shall comply with all conditions of the permittee's APDES permit. Any permit noncompliance constitutes a violation of 33 U.S.C 1251-1387 (Clean Water Act) and state law and is grounds for enforcement action including termination, revocation and reissuance, or modification of a permit, or denial of a permit renewal application. A permittee shall comply with effluent standards or prohibitions established under 33 U.S.C. 1317(a) for toxic pollutants within the time provided in the regulations that establish those effluent standards or prohibitions even if the permit has not yet been modified to incorporate the requirement.

1.3 Duty to Reapply

If a permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain a new permit. In accordance with 18 AAC 83.105(b), a permittee with a currently effective permit shall reapply by submitting a new application at least 180 days before the existing permit expires, unless the Department has granted the permittee permission to submit an application on a later date. However, the Department will not grant permission for an application to be submitted after the expiration date of the existing permit.

1.4 Need to Halt or Reduce Activity Not a Defense

In an enforcement action, a permittee may not assert as a defense that compliance with the conditions of the permit would have made it necessary for the permittee to halt or reduce the permitted activity.

1.5 Duty to Mitigate

A permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

1.6 Proper Operation and Maintenance

1.6.1 A permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances that the permittee installs or uses to achieve compliance with the conditions of the permit. The permittee's duty to operate and maintain properly includes using adequate laboratory controls and appropriate quality assurance procedures. However, a permittee is not required to operate back-up or auxiliary facilities or similar systems that a permittee installs unless operation of those facilities is necessary to achieve compliance with the conditions of the permit.

1.6.2 Operation and maintenance records shall be retained and made available at the site.

1.6.3 In accordance with 18 AAC 72.065, the owner of operator of a domestic system that has 100 or more service connections or that is used, or intended for use, by 500 or more people per day shall ensure that the system is operated by a person certified under 18 AAC 74.

1.7 Permit Actions

A permit may be modified, revoked and reissued, or terminated for cause as provided in 18 AAC 83.130. If a permittee files a request to modify, revoke and reissue, or terminate a permit, or gives notice of planned changes or anticipated noncompliance, the filing or notice does not stay any permit condition.

1.8 Property Rights

A permit does not convey any property rights or exclusive privilege.

1.9 Duty to Provide Information

A permittee shall, within a reasonable time, provide to the Department any information that the Department requests to determine whether a permittee is in compliance with the permit, or whether cause exists to modify, revoke and reissue, or terminate the permit. A permittee shall also provide to the Department, upon request, copies of any records the permittee is required to keep under the permit.

1.10 Inspection and Entry

A permittee shall allow the Department, or an authorized representative, including a contractor acting as a representative of the Department, at reasonable times and on presentation of credentials establishing authority and any other documents required by law, to:

1.10.1 Enter the premises where a permittee's regulated facility or activity is located or conducted, or where permit conditions require records to be kept;

1.10.2 Have access to and copy any records that permit conditions require the permittee to keep;

1.10.3 Inspect any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under a permit; and

1.10.4 Sample or monitor any substances or parameters at any location for the purpose of assuring permit compliance or as otherwise authorized by 33 U.S.C. 1251-1387 (Clean Water Act).

1.11 Monitoring and Records

A permittee must comply with the following monitoring and recordkeeping conditions:

1.11.1 Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.

1.11.2 The permittee shall retain records in Alaska of all monitoring information for at least three years, or longer at the Department's request at any time, from the date of the sample, measurement, report, or application. Monitoring records required to be kept include:

1.11.2.1 All calibration and maintenance records,

1.11.2.2 All original strip chart recordings or other forms of data approved by the Department for continuous monitoring instrumentation,

1.11.2.3 All reports required by a permit,

1.11.2.4 Records of all data used to complete the application for a permit,

1.11.2.5 Field logbooks or visual monitoring logbooks,

1.11.2.6 Quality assurance chain of custody forms,

1.11.2.7 Copies of discharge monitoring reports, and

1.11.2.8 A copy of this APDES permit.

1.11.3 Records of monitoring information must include:

1.11.3.1 The date, exact place, and time of any sampling or measurement;

1.11.3.2 The name(s) of any individual(s) who performed the sampling or measurement(s);

1.11.3.3 The date(s) and time any analysis was performed;

1.11.3.4 The name(s) of any individual(s) who performed any analysis;

1.11.3.5 Any analytical technique or method used; and

1.11.3.6 The results of the analysis.

1.11.4 Monitoring Procedures

Analyses of pollutants must be conducted using test procedures approved under 40 CFR Part 136, adopted by reference at 18 AAC 83.010, for pollutants with approved test procedures, and using test procedures specified in the permit for pollutants without approved methods.

1.12 Signature Requirement and Penalties

1.12.1 Any application, report, or information submitted to the Department in compliance with a permit requirement must be signed and certified in accordance with 18 AAC 83.385. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, or other document filed or required to be maintained under a permit, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be subject to penalties under 33 U.S.C. 1319(c)(4), AS 12.55.035(c)(1)(B), (c)(2) and (c)(3), and AS 46.03.790(g).

1.12.2 In accordance with 18 AAC 83.385, an APDES permit application must be signed as follows:

1.12.2.1 For a corporation, a responsible corporate officer shall sign the application; in this subsection, a responsible corporate officer means:

1.12.2.1.1 A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

1.12.2.1.2 The manager of one of more manufacturing, production, or operating facilities, if

1.12.2.1.2.1 The manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations;

1.12.2.1.2.2 The manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and

1.12.2.1.2.3 Authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

1.12.2.2 For a partnership or sole proprietorship, by the general partner or the proprietor, respectively, shall sign the application.

1.12.2.3 For a municipality, state, federal, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means:

1.12.2.3.1 The chief executive officer of the agency; or

1.12.2.3.2 A senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.

1.12.3 Any report required by an APDES permit, and a submittal with any other information requested by the Department, must be signed by a person described in Appendix A, Part 1.12.2, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1.12.3.1 The authorization is made in writing by a person described in Appendix A, Part 1.12.2;

1.12.3.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, including the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility; or an individual or position having overall responsibility for environmental matters for the company; and

1.12.3.3 The written authorization is submitted to the Department to the Permitting Program address in Appendix A, Part 1.1.1.

1.12.4 If an authorization under Appendix A, Part 1.12.3 is no longer effective because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Appendix A, Part 1.12.3 must be submitted to the Department before or together with any report, information, or application to be signed by an authorized representative.

1.12.5 Any person signing a document under Appendix A, Part 1.12.2 or Part 1.12.3 shall certify as follows:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

1.13 Proprietary or Confidential Information

1.13.1 A permit applicant or permittee may assert a claim of confidentiality for proprietary or confidential business information by stamping the words “confidential business information” on each page of a submission containing proprietary or confidential business information. The Department will treat the stamped submissions as confidential if the information satisfies the test in 40 CFR §2.208, adopted by reference at 18 AAC 83.010, and is not otherwise required to be made public by state law.

1.13.2 A claim of confidentiality under Appendix A, Part 1.13.1 may not be asserted for the name and address of any permit applicant or permittee, a permit application, a permit, effluent data, sewage sludge data, and information required by APDES or NPDES application forms provided by the Department, whether submitted on the forms themselves or in any attachments used to supply information required by the forms.

1.13.3 A permittee’s claim of confidentiality authorized under Appendix A, Part 1.13.1 is not waived if the Department provides the proprietary or confidential business information to the EPA or to other agencies participating in the permitting process. The Department will supply any information obtained or used in the administration of the state APDES program to the EPA upon request under 40 CFR §123.41, as revised as of July 1, 2005. When providing information submitted to the Department with a claim of confidentiality to the EPA, the Department will notify the EPA of the confidentiality claim. If the Department provides the EPA information that is not claimed to be confidential, the EPA may make the information available to the public without further notice.

1.14 Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any action or relieve a permittee

from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under state laws addressing oil and hazardous substances.

1.15 Cultural and Paleontological Resources

If cultural or paleontological resources are discovered because of this disposal activity, work that would disturb such resources is to be stopped, and the Office of History and Archaeology, a Division of Parks and Outdoor Recreation of the Alaska Department of Natural Resources (http://www.dnr.state.ak.us/parks/oha/), is to be notified immediately at (907) 269-8721.

1.16 Fee

A permittee must pay the appropriate permit fee described in 18 AAC 72.

1.17 Other Legal Obligations

This permit does not relieve the permittee from the duty to obtain any other necessary permits from the Department or from other local, state, or federal agencies and to comply with the requirements contained in any such permits. All activities conducted and all plan approvals implemented by the permittee pursuant to the terms of this permit shall comply with all applicable local, state, and federal laws and regulations.

2.0 Special Reporting Obligations

2.1 Planned Changes

2.1.1 The permittee shall give notice to the Department as soon as possible of any planned physical alteration or addition to the permitted facility if:

2.1.1.1 The alteration or addition may make the facility a "new source" under one or more of the criteria in 18 AAC 83.990(44); or

2.1.1.2 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged if those pollutants are not subject to effluent limitations in the permit or to notification requirements under 18 AAC 83.610.

2.1.2 If the proposed changes are subject to plan review, then the plans must be submitted at least 30 days before implementation of changes (see 18 AAC 15.020 and 18 AAC 72 for plan review requirements). Written approval is not required for an emergency repair or routine maintenance.

2.1.3 Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

2.2 Anticipated Noncompliance

2.2.1 A permittee shall give seven days' notice to the Department before commencing any planned change in the permitted facility or activity that may result in noncompliance with permit requirements.

2.2.2 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

2.3 Transfers

2.3.1 A permittee may not transfer a permit for a facility or activity to any person except after notice to the Department in accordance with 18 AAC 83.150. The Department may modify or revoke and reissue the permit to change the name of the permittee and incorporate such other requirements under 33 U.S.C. 1251-1387 (Clean Water Act) or state law.

2.3.2 Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

2.4 Compliance Schedules

2.4.1 A permittee must submit progress or compliance reports on interim and final requirements in any compliance schedule of a permit no later than 14 days following the scheduled date of each requirement.

2.4.2 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

2.5 Corrective Information

2.5.1 If a permittee becomes aware that it failed to submit a relevant fact in a permit application or submitted incorrect information in a permit application or in any report to the Department, the permittee shall promptly submit the relevant fact or the correct information.

2.5.2 Information must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

2.6 Bypass of Treatment Facilities

2.6.1 Prohibition of Bypass

Bypass is prohibited. The Department may take enforcement action against a permittee for any bypass, unless:

2.6.1.1 The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2.6.1.2 There were no feasible alternatives to the bypass, including use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. However, this condition is not satisfied if the permittee, in the exercise of reasonable engineering judgment, should have installed adequate back-up equipment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and

2.6.1.3 The permittee provides notice to the Department of a bypass event in the manner, as appropriate, under Appendix A, Part 2.6.2.

2.6.2 Notice of bypass

2.6.2.1 For an anticipated bypass, the permittee submits notice at least 10 days before the date of the bypass. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the conditions of Appendix A, Parts 2.6.1.1 and 2.6.1.2.

2.6.2.2 For an unanticipated bypass, the permittee submits 24-hour notice, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting.

2.6.2.3 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

2.6.3 Notwithstanding Appendix A, Part 2.6.1, a permittee may allow a bypass that:

2.6.3.1 Does not cause an effluent limitation to be exceeded, and

2.6.3.2 Is for essential maintenance to assure efficient operation.

2.7 Upset Conditions

2.7.1 In any enforcement action for noncompliance with technology-based permit effluent limitations, a permittee may claim upset as an affirmative defense. A permittee seeking to establish the occurrence of an upset has the burden of proof to show that the requirements of Appendix A, Part 2.7.2 are met.

2.7.2 To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

2.7.2.1 An upset occurred and the permittee can identify the cause or causes of the upset;

2.7.2.2 The permitted facility was at the time being properly operated;

2.7.2.3 The permittee submitted 24-hour notice of the upset, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting; and

2.7.2.4 The permittee complied with any mitigation measures required under 18 AAC 83.405(e) and Appendix A, Part 1.5, Duty to Mitigate.

2.7.3 Any determination made in administrative review of a claim that noncompliance was caused by upset, before an action for noncompliance is commenced, is not final administrative action subject to judicial review.

2.8 Notice of New Introduction of Pollutants

2.8.1 Any POTW shall provide adequate notice to the Department, including information on the quality and quantity of effluent introduced into the POTW, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW as soon as the POTW has knowledge of a change, but no later than seven days in advance of any:

2.8.1.1 New introduction of pollutants into the POTW from an indirect discharger if that introduction of pollutants would be subject to 33 U.S.C 1311 or 33 U.S.C 1316 if the POTW directly discharged those pollutants, and

2.8.1.2 Substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.

2.8.2 Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

3.0 Monitoring, Recording, and Reporting Requirements

3.1 Representative Sampling

A permittee must collect effluent samples from the effluent stream after the last treatment unit before discharge into the receiving waters. Samples and measurements must be representative of the volume and nature of the monitored activity or discharge.

3.2 Reporting of Monitoring Results

At intervals specified in the permit, monitoring results must be reported on the EPA discharge monitoring report (DMR) form, as revised as of March 1999, adopted by reference.

3.2.1 Monitoring results shall be summarized each month on the DMR or an approved equivalent report. The permittee must submit reports monthly postmarked by the 15th day of the following month.

3.2.2 The permittee must sign and certify all DMRs and all other reports in accordance with the requirements of Appendix A, Part 1.12, Signatory Requirements and Penalties. All signed and certified legible original DMRs and all other documents and reports must be submitted to the Department at the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

3.2.3 If, during the period when this permit is effective, the Department makes available electronic reporting, the permittee may, as an alternative to the requirements of Appendix A, Part 3.2.2, submit monthly DMRs electronically by the 15th day of the following month in accordance with guidance provided by the Department. The permittee must certify all DMRs and other reports, in accordance with the requirements of Appendix A, Part 1.12, Signatory Requirements and Penalties. The permittee must retain the legible originals of these documents and make them available to the Department upon request.

3.3 Additional Monitoring by Permittee

If the permittee monitors any pollutant more frequently than the permit requires using test procedures approved in 40 CFR Part 136, adopted by reference at 18 AAC 83.010, or as specified in this permit, the results of that additional monitoring must be included in the calculation and reporting of the data submitted in the DMR required by Appendix A, Part 3.2. All limitations that require averaging of measurements must be calculated using an arithmetic means unless the Department specifies another method in the permit. Upon request by the Department, the permittee must submit the results of any other sampling and monitoring regardless of the test method used.

3.4 Twenty-four Hour Reporting

A permittee shall report any noncompliance event that may endanger health or the environment as follows:

3.4.1 A report must be made:

3.4.1.1 Orally within 24 hours after the permittee becomes aware of the circumstances, and

3.4.1.2 In writing within five days after the permittee becomes aware of the circumstances.

3.4.2 A report must include the following information:

3.4.2.1 A description of the noncompliance and its causes, including the estimated volume or weight and specific details of the noncompliance;

3.4.2.2 The period of noncompliance, including exact dates and times;

3.4.2.3 If the noncompliance has not been corrected, a statement regarding the anticipated time the noncompliance is expected to continue; and

3.4.2.4 Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

3.4.3 An event that must be reported within 24 hours includes:

3.4.3.1 An unanticipated bypass that exceeds any effluent limitation in the permit (see Appendix A, Part 2.6, Bypass of Treatment Facilities).

3.4.3.2 An upset that exceeds any effluent limitation in the permit (see Appendix A, Part 2.7, Upset Conditions).

3.4.3.3 A violation of a maximum daily discharge limitation for any of the pollutants listed in the permit as requiring 24-hour reporting.

3.4.4 The Department may waive the written report on a case-by-case basis for reports under Appendix A, Part 3.4 if the oral report has been received within 24 hours of the permittee becoming aware of the noncompliance event.

3.4.5 The permittee may satisfy the written reporting submission requirements of Appendix A, Part 3.4.1.2 by submitting the written report via email, if the following conditions are met:

3.4.5.1 The Noncompliance Notification Form or equivalent form is used to report the noncompliance;

3.4.5.2 The written report includes all the information required under Appendix A, Part 3.4.2;

3.4.5.3 The written report is properly certified and signed in accordance with Appendix A, Parts 1.12.3 and 1.12.5.;

3.4.5.4 The written report is scanned as a PDF (portable document format) document and transmitted to the Department as an attachment to the email; and

3.4.5.5 The permittee retains in the facility file the original signed and certified written report and a printed copy of the conveying email.

3.4.6 The email and PDF written report will satisfy the written report submission requirements of this permit provided the email is received by the Department within five days after the time the permittee becomes aware of the noncompliance event, and the email and written report satisfy the criteria of Part 3.4.5. The email address to report noncompliance is: dec-wqreporting@alaska.gov

3.5 Other Noncompliance Reporting

A permittee shall report all instances of noncompliance not required to be reported under Appendix A, Parts 2.4 (Compliance Schedules), 3.3 (Additional Monitoring by Permittee), and 3.4 (Twenty-four Hour Reporting) at the time the permittee submits monitoring reports under Appendix A, Part 3.2 (Reporting of Monitoring Results). A report of noncompliance under this part must contain the information listed in Appendix A, Part 3.4.2 and be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

4.0 Penalties for Violations of Permit Conditions

Alaska laws allow the State to pursue both civil and criminal actions concurrently. The following is a summary of Alaska law. The permittee should read the applicable statutes for further substantive and procedural details.

4.1 Civil Action

Under AS 46.03.760(e), a person who violates or causes or permits to be violated a regulation, a lawful order of the Department, or a permit, approval, or acceptance, or term or condition of a permit, approval or acceptance issued under the program authorized by AS 46.03.020 (12) is liable, in a civil action, to the state for a sum to be assessed by the court of not less than $500 nor more than $100,000 for the initial violation, nor more than $10,000 for each day after that on which the violation continues,

and that shall reflect, when applicable:

4.1.1 Reasonable compensation in the nature of liquated damages for any adverse environmental effects caused by the violation, that shall be determined by the court according to the toxicity, degradability, and dispersal characteristics of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality;

4.1.2 Reasonable costs incurred by the state in detection, investigation, and attempted correction of the violation;

4.1.3 The economic savings realized by the person in not complying with the requirements for which a violation is charged; and

4.1.4 The need for an enhanced civil penalty to deter future noncompliance.

4.2 Injunctive Relief

4.2.1 Under AS 46.03.820, the Department can order an activity presenting an imminent or present danger to public health or that would be likely to result in irreversible damage to the environment be discontinued. Upon receipt of such an order, the activity must be immediately discontinued.

4.2.2 Under AS 46.03.765, the Department can bring an action in Alaska Superior Court seeking to enjoin ongoing or threatened violations for Department-issued permits and Department statutes and regulations.

4.3 Criminal Action

Under AS 46.03.790(h), a person is guilty of a Class A misdemeanor if the person negligently:

4.3.1 Violates a regulation adopted by the Department under AS 46.03.020(12);

4.3.2 Violates a permit issued under the program authorized by AS 46.03.020(12);

4.3.3 Fails to provide information or provides false information required by a regulation adopted under AS 46.03.020(12);

4.3.4 Makes a false statement, representation, or certification in an application, notice, record, report, permit, or other document filed, maintained, or used for purposes of compliance with a permit issued under or a regulation adopted under AS 46.03.020(12); or

4.3.5 Renders inaccurate a monitoring device or method required to be maintained by a permit issued or under a regulation adopted under AS 46.03.020(12).

4.4 Other Fines

Upon conviction of a violation of a regulation adopted under AS 46.03.020(12), a defendant who is not an organization may be sentenced to pay a fine of not more than $10,000 for each separate violation (AS 46.03.790(g)). A defendant that is an organization may be sentenced to pay a fine not exceeding the greater of: (1) $200,000; (2) three times the pecuniary gain realized by the defendant as a result of the offense; or (3) three times the pecuniary damage or loss caused by the defendant to another, or the property of another, as a result of the offense (AS 12.55.035(c)(1)(B), (c)(2), and (c)(3)).

Appendix B

Acronyms

APPENDIX B

The following acronyms are common terms that may be found in an Alaska Pollutant Discharge Elimination System (APDES) permit.

18 AAC 15	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 15: Administrative Procedures
18 AAC 70	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 70: Water Quality Standards
18 AAC 72	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 72: Wastewater Disposal
18 AAC 83	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 83: Alaska Pollutant Discharge Elimination System

All chapters of Alaska Administrative Code, Title 18 are available at the Alaska Administrative Code database http://www.legis.state.ak.us/cgi-bin/folioisa.dll/aac

40 CFR	Code of Federal Regulations Title 40: Protection of Environment
AAC	Alaska Administrative Code
ADEC	Alaska Department of Environmental Conservation
APDES	Alaska Pollutant Discharge Elimination System
AS	Alaska Statutes
AS 46.03	Alaska Statutes Title 46, Chapter 03: Environmental Conservation. Available at http://www.legis.state.ak.us/default.htm
BOD_5	Biochemical Oxygen Demand, 5-day
BMP	Best Management Practice
CWA	Clean Water Act
DMR	Discharge Monitoring Report
DO	Dissolved Oxygen
EPA	U.S. Environmental Protection Agency
FC	Fecal Coliform Bacteria
GPD or gpd	Gallons per day
I/I	Infiltration and Inflow
MDL	Method Detection Limit
mg/L	Milligrams per Liter
MGD or mgd	Million gallons per day
ML	Minimum Level
MLLW	Mean Lower Low Water
MZ	Mixing Zone
N/A	Not Applicable
POTW	Publicly Owned Treatment Works

APPENDIX B

PQL	Practical Quantification Limit
QA	Quality Assurance
QA/QC	Quality Assurance/Quality Control
QAPP	Quality Assurance Project Plan
QC	Quality Control
RL	Reporting Limit
RWC	Receiving Water Concentration
SIU	Significant Industrial User
SU	Standard Units
TRC	Total Residual Chlorine
TSS	Total Suspended Solids
µg/L	Micrograms per Liter
U.S.C.	United States Code
WQS	Water Quality Standards
WWTF	Wastewater Treatment Facility
WWTP	Wastewater Treatment Plant

Appendix C

Definitions

APPENDIX C

The following are common definitions of terms associated with APDES permits. Not all the terms listed may appear in a permit. Consult the footnote references for a complete list of terms and definitions.

Administrator[a]	Means the Administrator of the EPA or an authorized representative
Alaska Pollutant Discharge Elimination System (APDES)[a]	Means the state's program, approved by EPA under 33 U.S.C. 1342(b), for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under 33 U.S.C. 1317, 1328, 1342, and 1345
Annual	Means once per calendar year
Aquaculture[b]	Means the cultivation of aquatic plants or animals for human use or consumption
Average	Means an arithmetic mean obtained by adding quantities and dividing the sum by the number of quantities
Average Monthly Discharge Limitation[a]	Means the highest allowable average of "daily discharges" over a calendar month calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured for that month
Best Management Practices (BMPs)[a]	Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
Biochemical Oxygen Demand (BOD)[c]	Means the amount, in milligrams per liter, of oxygen used in the biochemical oxidation of organic matter in five days at 20° C
Boundary[b]	Means line or landmark that serves to clarify, outline, or mark a limit, border, or interface
Bypass[a]	Means the intentional diversion of waste streams from any portion of a treatment facility
Clean Water Act (CWA)[a]	Means the federal law codified at 33 U.S.C. 1251-1387, also referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972
Commissioner[a]	Means the commissioner of the Alaska Department of Environmental Conservation or the commissioner's designee
Composite Samples	Composite samples must consist of at least eight equal volume grab samples. 24 hour composite sample means a combination of at least eight discrete samples of equal volume collected at equal time intervals over a 24-hour period at the same location. A "flow proportional composite" sample means a combination of at least eight discrete samples collected at equal time intervals over a 24-hour period with each sample

a) See 18 AAC 83
b) See 18 AAC 70.990
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	volume proportioned according to the flow volume. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.
Contact Recreation[b]	Means activities in which there is direct and intimate contact with water. Contact recreation includes swimming, diving, and water skiing. Contact recreation does not include wading.
Criterion[b]	Means a set concentration or limit of a water quality parameter that, when not exceeded, will protect an organism, a population of organisms, a community of organisms, or a prescribed water use with a reasonable degree of safety. A criterion might be a narrative statement instead of a numerical concentration or limit.
Daily Discharge[a]	Means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants measured in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with a limitation expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
Department[a]	Means the Alaska Department of Environmental Conservation
Design Flow[a]	Means the wastewater flow rate that the plant was designed to handle
Director[a]	Means the commissioner or the commissioner's designee assigned to administer the APDES program or a portion of it, unless the context identifies an EPA director
Discharge[a]	When used without qualification, discharge means the discharge of a pollutant
Discharge of a Pollutant[a]	Means any addition of any pollutant or combination of pollutants to waters of the United States from any point source or to waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft that is being used as a means of transportation. Discharge includes any addition of pollutants into waters of the United States from surface runoff that is collected or channeled by humans; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person that do not lead to a treatment works; discharges through pipes, sewers, or other conveyances leading into privately owned treatment works; and does not include an addition of pollutants by any indirect discharger.
Dissolved Oxygen (DO)[b]	Means the concentration of oxygen in water as determined either by the Winkler (iodometric) method and its modifications or by the membrane electrode method. The oxygen dissolved in water or wastewater and usually expressed in milligrams per liter or percent saturation
Domestic Wastewater[c]	Means waterborne human wastes or graywater derived from dwellings, commercial buildings, institutions, or similar structures. "Domestic wastewater" includes the contents of individual removable containers used to collect and temporarily store human wastes.
Ecosystem[b]	Means a system made up of a community of animals, plants, and bacteria and the

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	system's interrelated physical and chemical environment
Effluent[b]	Means the segment of a wastewater stream that follows the final step in a treatment process and precedes discharge of the wastewater stream to the receiving environment
Estimated	Means a way to estimate the discharge volume. Approvable estimations include, but are not limited to, the number of persons per day at the facility, volume of potable water produced per day, lift station run time, etc.
Fecal Coliform Bacteria (FC)[b]	Bacteria that can ferment lactose at 44.5° + 0.2°C to produce gas in a multiple tube procedure. Fecal coliform bacteria also means all bacteria that produce blue colonies in a membrane filtration procedure within 24 ± 2 hours of incubation at 44.5° + 0.2°C in an M-FC broth.
Final Approval to Operate	Means the approval that the Department issues after it has reviewed and approved the construction and operation of the engineered wastewater treatment works plans submitted to the Department in accordance with 18 AAC 72.215 through 18 AAC 72.280 or as amended.
Geometric Mean	The geometric mean is the N^{th} root of the product of N. All sample results of zero will use a value of 1 for calculation of the geometric mean. Example geometric mean calculation: $\sqrt[4]{12x23x34x990} = 55$.
Grab Sample	Means a single instantaneous sample collected at a particular place and time that represents the composition of wastewater only at that time and place
Influent	Means untreated wastewater before it enters the first treatment process of a wastewater treatment works
Maximum Daily Discharge Limitation[a]	Means the highest allowable "daily discharge"
Mean[b]	Means the average of values obtained over a specified period and, for fecal coliform analysis, is computed as a geometric mean
Mean Lower Low Water[b]	Means the tidal datum plane of the average of the lower of the two low waters of each day, as would be established by the National Geodetic Survey, at any place subject to tidal influence
Measured	Means the actual volume of wastewater discharged using appropriate mechanical or electronic equipment to provide a totalized reading. Measure does not provide a recorded measurement of instantaneous rates.
Method Detection Limit (MDL)[d]	Means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte
Micrograms per Liter (µg/L)[b]	Means the concentration at which one millionth of a gram (10^{-6} g) is found in a volume of one liter
Milligrams per Liter	Means the concentration at which one thousandth of a gram (10^{-3} g) is found in a volume of one liter. It is approximately equal to the unit "parts per million (ppm),"

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(mg/L)[b]	formerly of common use.
Minimum Level (ML)[e]	Means the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes, and processing steps have been followed. This level is used as the compliance level if the effluent limit is below it.
Mixing Zone[b]	Means a volume of water adjacent to a discharge in which wastes discharged mix with the receiving water
Month	Means the time period from the 1st of a calendar month to the last day in the month
Monthly Average	Means the average of daily discharges over a monitoring month calculated as the sum of all daily discharges measured during a monitoring month divided by the number of daily discharges measured during that month
Permittee	Means a company, organization, association, entity, or person who is issued a wastewater permit and is responsible for ensuring compliance, monitoring, and reporting as required by the permit
pH[g]	Means a measure of the hydrogen ion concentration of water or wastewater; expressed as the negative log of the hydrogen ion concentration in mg/L. A pH of 7 is neutral. A pH less than 7 is acidic, and a pH greater than 7 is basic.
Practical Quantification Limit (PQL)[g]	Means the lowest level that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions.
Primary Contact Recreation	See Contact Recreation
Principal Executive Officer[a]	Means the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of division of the agency
Pollutant[a]	Means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under 42 U.S.C. 2011), heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, or agricultural waste discharged into water
Quality Assurance Project Plan (QAPP)	Means a system of procedures, checks, audits, and corrective actions to ensure that all research design and performance, environmental monitoring and sampling, and other technical and reporting activities are of the highest achievable quality
Quarter	Means the time period of three months based on the calendar year beginning with January
Receiving Water Body	Means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, straits, passages, canals, the Pacific Ocean, Gulf of Alaska, Bering Sea, and Arctic Ocean, in the territorial limits of the state, and

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	all other bodies of surface water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially in or bordering the state or under the jurisdiction of the state. (See "Waters of the U.S." at 18 AAC 83.990(77))
Recorded	Means a permanent record using mechanical or electronic equipment to provide a totalized reading, as well as a record of instantaneous readings
Report	Report results of analysis
Residual Chlorine	Means chlorine remaining in water or wastewater at the end of a specified contact period as combined or free chlorine
Responsible Corporate Officer[a]	Means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision making functions for the corporation The Responsible Corporate Officer can also be the manager of one or more manufacturing, production, or operating facilities if the requirements of 18 AAC 83.385(a)(1)(B)(i)-(iii) are met.
Secondary Recreation[b]	Means activities in which incidental water use can occur. Secondary recreation includes boating, camping, hunting, hiking, wading, and recreational fishing. Secondary contact recreation does not include fish consumption.
Settleable Solids[b]	Means solid material of organic or mineral origin that is transported by and deposited from water, as measured by the volumetric Imhoff cone method and at the method detection limits specified in method 2540(F), *Standard Methods for the Examination of Water and Wastewater*, 18th edition (1992), adopted by reference in 18 AAC 70.020(c)(1)
Severe Property Damage[a]	Means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
Sheen[b]	Means an iridescent appearance on the water surface
Shellfish[b]	Means a species of crustacean, mollusk, or other aquatic invertebrate with a shell or shell-like exoskeleton in any stage of its life cycle
Significant Industrial User (SIU)[g]	Means an indirect discharger that is the focus of control efforts under the national pretreatment program; includes all indirect dischargers subject to national categorical pretreatment standards, and all other indirect dischargers that contribute 25,000 gpd or more of process wastewater, or which make up five percent or more of the hydraulic or organic loading to the municipal treatment plant, subject to certain exceptions [40 CFR $403.3(t)].
Suspended Solids	Means insoluble solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids. The quantity of material removed from wastewater in a laboratory test, as prescribed in *Standard Methods for the Examination of Water and Wastewater* and referred to as nonfilterable.

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Total Suspended Solids (TSS)[g]	Means a measure of the filterable solids present in a sample, as determined by the method specified in 40 CFR Part 136
Toxic Unit, Chronic (TUc)[e]	Means the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period (i.e., 100/NOEC)
Twice per year	Means two time periods during the calendar year: October through April and May through September
Upset[a]	Means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
Wastewater Treatment	Means any process to which wastewater is subjected in order to remove or alter its objectionable constituents and make it suitable for subsequent use or acceptable for discharge to the environment
Waters of the United States or Waters of the U.S.	Has the meaning given in 18 AAC 83.990(77)
Water Recreation[b]	See contact recreation or secondary recreation
Water Supply[b]	Means any of the waters of the United States that are designated in 18 AAC 70 to be protected for fresh water or marine water uses. Water supply includes waters used for drinking, culinary, food processing, agricultural, aquacultural, seafood processing, and industrial purposes. Water supply does not necessarily mean that water in a waterbody that is protected as a supply for the uses listed in this paragraph is safe to drink in its natural state.
Week	Means the time period of Sunday through Saturday

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